Nos. 86-1380 and 1424

Supreme Court, U.S.
FILED
MAR 17 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1986

ARKANSAS PUBLIC SERVICE COMMISSION, *et al.*,
Petitioners
v.
FEDERAL ENERGY REGULATORY COMMISSION

ARKANSAS POWER & LIGHT COMPANY,
Petitioner
v.
FEDERAL ENERGY REGULATORY COMMISSION, *et al.*

On Petitions for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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MEMORANDUM FOR MISSISSIPPI INDUSTRIES

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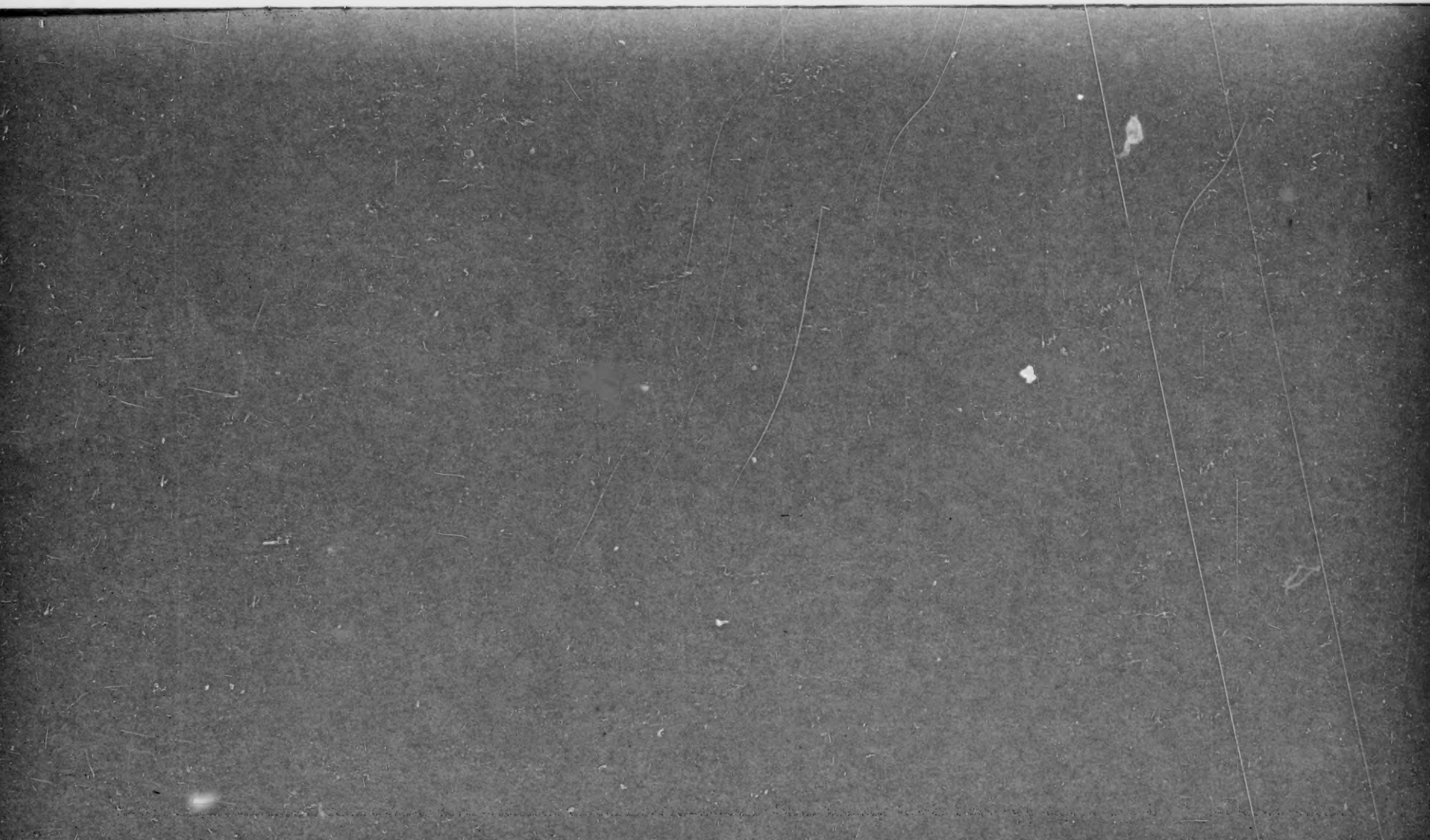

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MEMORANDUM FOR MISSISSIPPI INDUSTRIES

The petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit in No. 86-1380 was filed on February 20, 1987 and received by our office on February 23, 1987. Responses to the petition presently are due on March 25, 1987. The petition for a writ of certiorari in No. 86-1424 was filed on March 4, 1987 and received by our office on March 9, 1987. The petitions seek review of a decision of the D.C. Circuit, *Mississippi Industries v. Federal Energy Regulatory Commission*, No. 85-1611 (D.C. Cir., Jan. 6, 1987), which is currently the subject of several petitions for rehearing and suggestions for

rehearing en banc. On behalf of Mississippi Industries,* we filed a petition for rehearing on February 20, 1987, the same day the petition for a writ of certiorari in No. 86-1380 was filed.

In order to avoid piecemeal review of petitions for certiorari from the same case, Rule 20.4 of the Rules of the Supreme Court provides that the time for filing of petitions for a writ of certiorari does not commence to run until "the date of the denial of rehearing or of the entry of a subsequent judgment entered on the rehearing." Accordingly, we respectfully submit that consideration of the instant petition for a writ of certiorari should be deferred until the pending petitions for rehearing are acted upon, and request that the time of Mississippi Industries to respond to the petition should be extended to 30 days from "the date of the denial of rehearing or of the entry of a subsequent judgment entered on rehearing."

Respectfully submitted,

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March 17, 1987

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* Mississippi Industries is a group of industrial customers of Mississippi Power & Light Company in Mississippi. The companies comprising Mississippi Industries are Anderson-Tully Company, Columbus Lumber Company, Crouse-Hinds Lighting, Great Southern Wirebound Box Company, Madison Furniture Industries, Chloride Incorporated Automotive Division, Greenville Mill, Marathon LeTourneau Company, Perma "R" Products, Incorporated, and Cives Steel Company.